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RUEHBY/AMEMBASSY CANBERRA PRIORITY 6902
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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 001598

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DEPT FOR EAP, EAP/MLS
NSC FOR MORROW
PACOM FOR FPA (HUSO)

E.O. 12958: DECL: 03/16/2017

TAGS: PREL PGOV KDEM TH

SUBJECT: AMBASSADOR'S MARCH 16 MEETING WITH CONSTITUTION DRAFTING HEAD PRASONG

REF: BANGKOK 01597 (DEBATE HEATS UP)

Classified By: Ambassador Ralph L. Boyce. Reason 1.4 (b,d)

¶1. (C) Summary. Prasong Sunsiri, head of the 35-member constitution drafting body, provided me with an update on the draft charter on March 16. His group will likely propose a bi-cameral legislature, but the new upper-house would be appointed and have less power than under the 1997 charter. Under this system, the judiciary would take on an expanded oversight role over the independent institutions designed to check the Prime Minister's power. Prasong tried to reassure me that the charter would provide for an elected PM--a hot button issue--but added that, a non-elected PM could be selected in times of crisis. Prasong hopes to have a first draft of the new constitution completed by April 19, with the charter ready for a vote by mid-July. He remains concerned that the draft could fail in a national referendum. Prasong provided unfiltered criticism of Surayud and offered his own version of the genesis of the Somkid debacle. Finally, while explaining that he has no "inside knowledge" Prasong said that a major change in government within the next month was possible; whether a cabinet shuffle or successful pressure on the PM to step down. I stated that any move to elevate a military man to the premiership would be unacceptable to the United States. He fully understood, and said that would not happen. End Summary.

¶2. (C) On March 16, I met with Constitutional Drafting Committee (CDC) chairman Prasong Sunsiri. Prasong, one of the grand old men of Thai politics and a consummate insider over several decades, provided me with an overview of the topics his committee was struggling with before delving into his perspective on the political scene. (Note: See reftel for further details on the drafting process. Prasong's characterization of the draft constitution should be seen as a snapshot of a work-in-progress. The drafting schedule provides several opportunities to amend the document before it is put to public referendum; therefore, none of this is set in stone. End Note.)

CONSTITUTIONAL DECISIONS

¶3. (C) I asked Prasong for an update on the draft charter. Prasong explained that they had decided that the lower house

of parliament would have 400 seats, but had not yet decided how many, if any, of these seats would be filled by a party list vote. Lower house representatives would be elected in multi-member districts (vice the single member districts of the previous charter) in a bid to curb vote-buying. (Note: this logic contends that it will be harder for candidates to buy votes in a larger, multi-member district. End Note.) Prasong said that if the CDC does propose a party list system, less than half of the lower-house seats--and probably only 100 out of the 400--would be chosen in this manner. Unlike the previous system, voters would not cast separate ballots for a single party-list, but the proportion of constituent votes for candidates from a given party would decide how many party-list candidates from that party would take seats in the lower house. For example, if Chart Thai constituent candidates received 33% of votes nationwide, 33% of their party-list candidates would win seats in parliament.

¶4. (C) Turning to the upper house, Prasong explained that the draft charter would establish an appointed Senate, but the mechanism for selecting its members and its authority would be significantly different from the old system. The new Senate would have only 150 seats or so, definitely less than half of the lower house. Unlike the previous, elected Senate (which was ostensibly a non-partisan body), members of the new upper-house would represent individual provinces. The number of Senators per province would vary, in proportion to population. While not firm on the details, Prasong said that each province would select a 30-person pool of candidates that would then select Senators from among themselves. (Note: another drafter--see reftel--provided a different account of the leading proposal for choosing the Senate, demonstrating that many of these issues are still in flux.

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End Note.) More importantly, the new Senate would be stripped of the oversight powers--for instance selecting and overseeing members of independent institutions such as the National Counter Corruption Commission--provided by the 1997 constitution. The new Senate would have a role in checking lower-house legislation. Oversight for the independent institutions--which would remain--would fall to the judiciary. When I asked if this was a response to the King's April 2006 call for greater judicial involvement in politics, Prasong responded affirmatively.

¶5. (C) On the potentially explosive question of whether the next Prime Minister would be an elected member of parliament, Prasong tried to have it both ways. Although a public advocate of a non-elected PM, Prasong tried to assure me that the next PM would have to be a member of parliament. He went on, however, to state that, in times of crisis, a five member committee made up of senior judges could ask for a non-elected PM to be chosen. (Note: a distinction likely to be lost on those lobbying for a clear constitutional provision mandating that the PM only be selected from elected MPs. End Note.)

TIMELINE

¶6. (C) Prasong plans to have a first draft completed by April 119. Thousands of copies of the draft constitution will be circulated throughout the provinces for discussion, which should take about a month. Any suggestions will be debated within the CDC and larger, 100-member Constitutional Drafting Assembly (CDA), with the second draft ready for a vote in July. Prasong remains concerned that the new charter could be voted down in this national referendum. He does not agree with Council on National Security (CNS) Secretary General Winai Patiyakul that, if the charter fails, the government can just draw up a new constitution on its own--as provided in the interim charter--with no ill effects. This would be, "a recipe for disaster." If the draft charter does not pass, it would be "a catastrophe."

TRT AND POLITICS OF THE FUTURE

¶ 17. (C) I asked Prasong what he thinks will happen with the court case against Thaksin's Thai Rak Thai (TRT) party. Prasong believes that the court will find TRT guilty of vote-fraud and dissolve the party. But, I continued, won't TRT members be free to form a new party, and even use their old name? Prasong agreed that this was the case. Finally, I asked if it was true that recent polls have indicated that TRT still commands large majorities of support in the North and Northeast. Prasong agreed.

UNFILTERED CRITIC OF PM

¶ 18. (C) Stepping away from constitutional politics, Prasong--who in recent days has publicly blasted the current administration for being ineffective--offered further unfiltered criticism of PM Surayud. Prasong--who has been a strong and long-time supporter of Surayud's, even proposing him to head the Army in the 1990s--says that he is tremendously disappointed with the PM. "I don't know what it is about this guy, but he has been an utter failure... (messing) up everything... not a leader." Prasong offered his own version of the impetus behind Surayud's disastrous decision to invite former TRT leader Somkid into his government. In contrast to the scenario offered by recently resigned Deputy PM Pridiyathorn (septel), Prasong says that several mega-tycoons, such as Charoen Sirivadhanbhakdi of Thai Beverage, and Dhanin Chearavanont of CP group, met with Surayud and suggested that appointing Somkid would be a good idea. Surayud, in a now-familiar pattern, acted on this poor advice. Prasong railed on Surayud's cabinet, saying that half of them, like Health Minister Mongkhon na Songkhla, are "out of control" pursuing their own agendas, while the other half are, to quote Army

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chief Sonthi Boonyaratglin, "acting like they're doing the government a favor" by serving in office.

PRASONG'S PREDICTIONS

¶ 19. (C) Prasong predicted--while hastening to add that he has no inside knowledge--the strong possibility of a major change in government in the next month, whether a sweeping cabinet reshuffle, or growing pressure on the PM that results in Surayud stepping down. I was quick to underscore that, whether voluntarily or forcefully, it would be unacceptable for the United States and global community if a military figure were to replace the current PM. Prasong reiterated that this was just his "instinct" talking, but that he can "guarantee" that, under this scenario, the next PM would not be a military officer. He did not offer any further details.

COMMENT

¶ 110. (C) In a marker of the depth of discontent with the current government, some segments of the Thai elite are returning to the idea that "we don't know what comes next, but we've got to get rid of this government now." That they cannot see this type of brilliant thinking is what produced the object of their current criticism is sadly ironic, and bodes ill for the future of Thai politics.

BOYCE